

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ADAPTIVE DIGITAL
TECHNOLOGIES, INC.
v.
KURTZ, et al

: CIVIL ACTION
:
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:
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: NO. 15-4062
:
:

ORDER

AND NOW, this 22nd day of September 2015, upon consideration of Defendants' Motion for Partial Summary Judgment (ECF Doc. No. 32), Plaintiff's Opposition (ECF Doc. No. 35), Plaintiff's Response to Defendants' Statement of Undisputed Facts (ECF Doc. No. 36), Defendants' Reply (ECF Doc. No. 37), Defendants' Objections and Responses to Plaintiff's Statement of Additional Facts (ECF Doc. No. 38), Plaintiff's Sur-reply (ECF Doc. No. 46), and as addressed in the accompanying Memorandum, it is **ORDERED** Defendants' Motion (ECF Doc No. 32) is **GRANTED in part and DENIED in part**:

1. Defendants' motion dismissing Plaintiff's request for a declaration Defendant Scott Kurtz ("Kurtz") forfeited his right to all payments under the Settlement Agreement is **GRANTED**; judgment is entered in Defendants' favor dismissing the Plaintiff's requested relief in the Amended Complaint's *ad damnum* clause at paragraph A.(c);
2. Defendants' motion on their Counterclaim (ECF Doc. No. 31) seeking a declaration Plaintiff's obligation to pay Kurtz for his shares is independent of the restrictive covenants in the Settlement Agreement is **DENIED as moot**;

3. Defendants' motion on their Counterclaim seeking an order requiring Plaintiff pay Kurtz under section 1 of the Settlement Agreement is **GRANTED**; and,

4. Plaintiff shall, within five (5) days of this Order, pay Kurtz all amounts held in escrow under this Court's August 24, 2015 Order (ECF Doc. No. 28), and shall make the future payments to Kurtz under the Settlement Agreement.



KEARNEY, J.